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PATENTS ■ TRADEMARKS ■ COPYRIGHTS

**FACSIMILE COVER SHEET**

DATE: April 26, 2005 FAX NO.: 571-273-8439  
TO: Lisa Washington, USPTO  
FROM: Tammy St. John, Legal Assistant to Mark W. Hendricksen  
NO. OF PAGES (including cover page): 10  
OUR FILE: PY2-023  
YOUR FILE: App. Serial No. 10/047,198  
MESSAGE: Following please find a copy of the Express Mail Receipt, Postcard, and Petition, per your telephone request. Please feel free to call me if I can be of further assistance in this regard. Thank you for your assistance in this matter.

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**EV372468935**

PY2-023 (MWH)  
Pyrotek, Inc.

1-19-05

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the following papers relating to the Patent application of Gilbert et al., Serial No. 10/047,198, filed October 26, 2001, entitled "Molten Metal Pump Particle Passage System".

1. Return Postcard Receipt
2. Transmittal Form
3. Renewed Petition to Withdraw Holding of Abandonment - Office Action Not Received (with Attachments)





EV 372468935 US



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**EV372468935****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Serial No. .... 10/047,198  
 Filing Date ..... October 26, 2001  
 Inventor ..... Gilbert et al.  
 Assignee ..... Pyrotek, Inc.  
 Group Art Unit ..... 3745  
 Examiner ..... Ninh H. Nguyen  
 Attorney Docket No. .... PY2-023  
 Customer No. .... 021567  
 Title ..... Molten Metal Pump Particle Passage System

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I hereby declare that I have deposited the below-listed papers with the United States Postal Service "Express Mail Post Office to Addressee" service, addressed and posted as indicated below, in compliance with 37 CFR § 1.10. The Express Mail label number has been placed on one or more of the papers listed.

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1. Return Receipt Postcard
2. Transmittal Form
3. Renewed Petition to Withdraw Holding of Abandonment – Office Action Not Received (w/attachments)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom.

Dated at Spokane, Washington this 19<sup>th</sup> day of January, 2005

Printed Name:

Jim Tovarick

**E<sup>17</sup>372468935**

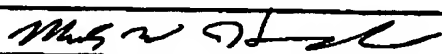
PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/047,198
	Filing Date	October 26, 2001
	First Named Inventor	Gilbert et al.
	Art Unit	Technology Center 3700
	Examiner Name	Richard A. Bertsch, Director
	Attorney Docket Number	PY2-023
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks Customer No. 021567.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Wells St. John P.S.	
Signature		
Printed name	Mark W. Hendricksen	
Date	1-19-05	Reg. No. 32,356

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**EV372468935****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application Serial No. .... 10/047,198  
Filing Date ..... October 26, 2001  
Inventorship ..... Gilbert et al.  
Assignee ..... Pyrotek, Inc.  
Group Art Unit ..... 3745  
Examiner ..... Ninh H. Nguyen  
Attorney's Docket No. .... PY2-023  
Customer No. .... 021567  
Title ..... Molten Metal Pump Particle Passage System

**RENEWED**  
**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**- OFFICE ACTION NOT RECEIVED**

To: **Attn. Technology Center 3700**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

From: Mark W. Hendricksen (Tel. 509-624-4276; Fax 509-838-3424)  
Wells St. John P.S.  
601 W. First Avenue, Suite 1300  
Spokane, WA 99201-3828

In response to the Decision on Petition dated November 16, 2004, the Applicant further petitions as follows:

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received by our offices.
2. I hereby state:
  - a. The Office Action which apparently was indicated to have been mailed on May 7, 2003, was not received by this office.

- b. I have searched of the file jacket and the docket records in my office indicate that this Office Action was not received.
3. Our docketing software prints an entry on a separate page for each response to an office action received, and each office action received in this office first goes to docketing for such an entry. I have searched our office records and the file in question, and there is no such entry. Included herewith is a copy of the "Batch Calendar Entries Verification List" dated July 3, 2003, pertaining to my office's file number PY2-023, corresponding to Application No. 10/047,198. The Verification List includes a docket entry dated August 26, 2003, to check whether first examination has been received. The docket entry was created as a follow-up to the filing of the Application on October 26, 2001. If examination had been received, a handwritten notation would exist on the Verification List indicating the date of receipt and the type of correspondence received as evidence supporting the removal of the docket of the task.
4. Further included herewith is a copy of my office's master docket copy of the "Calendar By Due Date" for August 7, 2003, the date on which the Office Action Response would have been due for the Office Action not received. The undersigned hereby states that a docket entry to respond to the Office Action in Application No. 10/047,198 does not appear on the Calendar for August 7, 2003. The undersigned further notes that all entries for client other than

Pyrotek, Inc. are redacted from the Calendar to maintain confidentiality. Accordingly, no information appears on the August 7, 2003, Calendar regarding the subject application.

5. In consideration of these submissions and the attached documentation, it is respectfully requested that the holding of abandonment be withdrawn herein.
6. Applicant notes that no fees are required to have this renewed petition considered and granted, per the Decision on Petition dated November 16, 2004.
7. Because the non-receipt of the Office Action was not due to error by the Applicant, a refund of the petition fee submitted with the Petition dated February 4, 2004, is respectfully requested. Please refund the submitted fee to Deposit Account 23-0925.

Respectfully submitted,

Dated: 1-19-05

By:   
Mark W. Hendricksen, Reg. No. 32,356

Attachments: July 3, 2003, Batch Calendar Entries Verification List copy;  
August 7, 2003, Master Docket, Calendar By Due Date copy.



07/03/03

Batch Calendar Entries Verification List  
Wells, St John, Roberts, Gregory & P.S.

Page:

Case: 1625002.0023 Pyrotek, Inc.

USA - Molten Metal Pump...

PY2-023

Starting date: 12/26/2001 Plan Batch Number: 87547 Plan Name: PROS\_FIR

Due Date	Employee	Type	Tcode	Description
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08/26/2003	10 MWH	To Do	000	Have we rec'd first examination?
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8/7/03  
PAGE 1 OF 1

08/07/03 09:25a

FILE NO. COMPLETED RESP CTRY - TITLE/MARK CLIENT CLM. REF. # ACT/DATE DESCRIPTION CH1 NO. DATE

Due Date: 08/07/03